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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/081,028 | 02/21/2002 | Farhad Farassat | MEISS68.001AUS | 1645 |
| 20995 | 7590 | 04/28/2004 | EXAMINER | |
| KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614 | | | KRAMER, DEAN J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3652 | |

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,028

Applicant(s)

FARASSAT, FARHAD

Examiner

Dean J. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The amendment filed March 1, 2004 and the remarks presented therewith have been carefully considered. However, they are not deemed to be fully persuasive.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-20, and 22-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schweitzer et al. (U.S. Pat. # 5,203,659) in view of Prentakis.

The Schweitzer et al. ('659) patent shows a mechanism that substantially contains the limitations as set forth in the above claims except that its first and second clamping devices (42,44) are not disposed one above the other in a vertical arrangement.

However, Prentakis shows a pair of vertically aligned clamps (32,34) individually movable in a common plane to selectively move wafers between a processing station (56) and a magazine (42).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the two clamping devices (42,44) of the Schweitzer et al. ('659) system in a vertically aligned arrangement as taught by Prentakis in order to reduce the horizontal space needed to operate the resulting

mechanism. Alternatively, it would have been obvious to arrange two additional clamping devices directly below the two existing clamping devices (42,44) of the Schweitzer et al. assembly as taught by Prentakis in order to increase the production capability of the resulting device.

In regard to claim 20, it would have been an obvious matter of design choice to provide any well known actuating means for the clamp, such as pneumatic, electric, or magnetic means, especially since applicant has not specifically disclosed that any particular actuator solves any stated problem or is for any critical purpose, and it appears that the device would perform equally well with any commonly used actuator.

It is also pointed out that the modified Schweitzer et al. ('659) system could obviously function the method steps in the order listed in claims 6 or 11 of the instant application, or in the reverse order, depending on the specific process being performed on the chips or wafers.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). For instance, Prentakis was cited to teach vertically aligned clamps individually movable in a common plane. So, applicant's remarks regarding the use of vacuum force to grasp the wafers in the Prentakis patent are not germane to the rejection based on the *combination* the two references.

3. Claims 3 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schweitzer et al. (U.S. Pat. # 5,203,659) in view of Prentakis as applied to claims 1 and 15 above, and further in view of Somekh et al..

The patent to Somekh et al. shows a carrier plate (40) having four straight sides generally forming a rectangular structure.

It would have been obvious to form the chip-carrier plates of the modified Schweitzer et al. device into a generally rectangular or square shape, depending on the design of the magazine useable therewith, as taught by Somekh et al. so that the plates better conform to receiving space in the magazine and/or processing stations.

Specification

4. The disclosure is objected to because of the following informalities: the specification improperly refers to specific claims by their claim numbers (see page 3, lines 23 and 24). Appropriate correction is required.

Priority

5. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dean J. Kramer whose telephone number is (703) 308-2181. The examiner can normally be reached on Mon., Tues., Thurs., Fri. (7:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (703) 308-1113. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Dean J. Kramer 4/24/04
Primary Examiner
Art Unit 3652

Djk
4/24/04